

1 BEFORE THE
2
3 UNITED STATES DEPARTMENT OF AGRICULTURE
4
5
6 * * * * *
7 In the matter of:
8 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
9 PUBLIC MEETING - IMPORTED FIRE ANTS
10
11 Committee Room 5
12 Clements Building
13 15th and Lavaca Streets
14 Austin, Texas
15 Tuesday,
16 March 28, 2000
17 The meeting convened at 10:00 a.m.
18 BEFORE: MICHAEL A. LIDSKY, Moderator
19 ALSO PRESENT:
20 HOMER L. COLLINS, USDA
21 RONALD P. MILBERG, USDA

Heritage Reporting Corporation
(202) 628-4888

1 PROCEEDINGS

2 MR. LIDSKY: We're going to get underway. Ladies
3 and gentlemen, good morning and welcome to the Animal and
4 Plant Health Inspection Service's public meeting to discuss
5 issues related to the administration of the imported fire
6 ant program by plant protection and quarantine in light of
7 reduced funding for fiscal year 2000.

8 My name is Mike Lidsky. I've been asked by the
9 deputy administrator for plant protection and quarantine to
10 be the moderator for today's meeting. With me, on my
11 immediate left, are Mr. Ron Milberg, and on my far left, Mr.
12 Homer Collins.

13 Mr. Milberg is the operations officer for the
14 Invasive Species and Pest Management staff in Riverdale,
15 Maryland. This is a staff that provides headquarters
16 support to the imported fire ant program. Mr. Collins is
17 the research leader at the Gulfport, Mississippi, Plant
18 Methods Lab. The lab is charged with developing regulatory
19 treatments for the imported fire ant program.

20 The purpose of today's meeting in Austin is to
21 give interested persons an opportunity to present their
22 views or questions on the three options APHIS has presented
23 for comment, as well as to present other possible options
24 for administering the imported fire ant program, in light of
25 reduced funding.

1 Notice of today's meeting was published in the
2 Federal Register on March 2, on pages 11,281 through 11,283,
3 and extra copies of the notice are available at the
4 registration table. Today's meeting in Austin is the third
5 of four public meetings we're holding to solicit views from
6 interested persons. The first meeting was held in Raleigh,
7 North Carolina, on March 21, and the second was held in
8 Orlando, Florida, on March 23. The fourth meeting will be
9 held in Santa Ana, California, March 30, at the County of
10 Orange Hall of Administration Building, Board of Supervisors
11 Anteroom, at 10 Civic Center Plaza.

12 The format for today's meeting will be as
13 follows. After I complete my remarks on the procedural
14 aspects of today's meeting, Mr. Milberg will make a short
15 presentation on the history of the imported fire ant
16 regulatory program, as well as the options that we've asked
17 persons to comment on. Should any questions arise about the
18 regulatory treatments that are currently available or new
19 regulatory or control strategies that the agency is

20 pursuing, Mr. Collins would be the best person to answer
21 such questions.

22 Persons who have registered to speak will be
23 given an opportunity to speak before unregistered persons.

24 Today's meeting is scheduled to conclude at 5:00 p.m.

25 However, we will conclude the meeting before 5:00 if all

1 persons who have registered to participate have been heard
2 and there are no other persons that wish to speak.

3 I know that we will be keeping the meeting open
4 until at least 10:30 this morning to accommodate a speaker
5 that wishes to speak at that time. I'll announce any other
6 procedural rules that may be necessary for the conduct of
7 today's meeting.

8 All comments made here today are being recorded
9 and will be transcribed. The court reporter for today's
10 meeting is Ms. Sunny Peer, and she's associated with the
11 Heritage Reporting Corporation in Washington, D.C. Those
12 persons who wish to receive a copy of the transcript should
13 please contact Heritage at area code (202) 628-4888. A copy
14 of the transcript will also be posted on the APHIS website
15 at www.aphis.usda.gov in approximately eight business days.
16 A copy of the transcript will also be made available for
17 public inspection at the APHIS reading room, which is room
18 1141 of USDA's South Building at 14th and Independence
19 Avenues in Washington, D.C.

20 As moderator, I'll call each person who has
21 registered to make a prepared statement. Before commencing
22 your remarks, please state and spell your last name for the
23 benefit of the court reporter.

24 In accordance with the procedures noted in the
25 March 2 Federal Register notice, I'm requesting that anyone

1 that reads a prepared statement, please, provide me with a
2 copy of your statement at either the commencement or the
3 conclusion of your prepared remarks. Any written as well as
4 an oral statement submitted or presented at today's meeting,
5 as well as any written comments submitted prior to the close
6 of the comment period, shall become part of the public
7 record. As a reminder, the comment period closes on May 1.

8 If an individual's comments do not relate to the
9 stated purpose of the meeting, which is to present comments
10 or questions on the proposed options or to present other
11 options, it will be necessary for me to ask that the speaker
12 focus his or her comments accordingly. Any comments in
13 addition to those prepared at today's meeting should be
14 submitted to -- and this address appears in the Federal
15 Register notice -- Docket Number 00-008-1, Regulatory
16 Analysis and Development, PPQ, APHIS, Suite 3C03, 4700 River
17 Road, Unit 118, Riverdale, Maryland 20737. When submitting
18 such comments by mail, please submit an original and three
19 copies.

20 Lastly, we ask that before you leave today,
21 please take a minute or two to complete a brief survey on
22 today's meeting. We need your feedback, please, such as the
23 format for today's meeting, the site accommodations, and
24 other aspects of the meeting so that we can determine if how
25 we have been conducting these meetings has been satisfactory

1 to you. Copies of the survey are available at the
2 registration table.

3 After Ron Milberg's presentation, I'll call the
4 first registered speaker.

5 Ron?

6 MR. MILBERG: Okay. Thank you, Mike.

7 Today I'll provide some background on the IFA
8 program and then talk about how it's evolved over the years
9 and then finally discuss today's situation.

10 To begin with, the imported fire ant, or IFA,
11 were introduced into the southern United States 60 to 80
12 years ago. After the ants were first observed around 1920,
13 landowners in infested areas began applying available
14 insecticides, such as calcium cyanide dust. With the advent
15 of chlorinated hydrocarbons to cost-effectively control the
16 ants, a federal quarantine was established in 1958.

17 The quarantine currently regulates all or
18 portions of Alabama, Arkansas, California, Florida, Georgia,
19 Louisiana, Mississippi, New Mexico, North Carolina,

20 Oklahoma, Puerto Rico, South Carolina, Tennessee, and Texas.

21 The federal quarantine regulates the movement of articles

22 known to spread IFA, including nursery stock and soil.

23 The original program was a cooperative effort

24 between APHIS and the states in three areas, including

25 detection, to find and eradicate isolated infestations;

1 regulatory activity, to slow IFA's spread by controlling the
2 movement of regulated articles; and finally, control, to
3 reduce to reduce populations, using wide-area pesticide
4 applications.

5 As registrations and food tolerances for
6 chlorinated hydrocarbons were canceled during the 1960s and
7 1970s, wide-area pesticide applications were no longer
8 practical due to the poor efficacy of available pesticides.
9 The IFA program then shifted to baits and organophosphates.
10 Unfortunately, some of these compounds, such as
11 chlorpyrifos, were less effective than previously used
12 materials.

13 During the 1980s, with the continued loss of
14 chemicals, the federal program focused on methods
15 development, primarily testing of new materials to certify
16 regulated articles for interstate movement.

17 During the 1990s, appropriations for many federal
18 domestic programs declined or were capped, and states
19 assumed more IFA survey and regulatory responsibility. Such

20 state activities were conducted, in part, using cooperative
21 funding agreements with APHIS. Most federal dollars were
22 passed through to the states to ensure compliance with the
23 federal quarantine.

24 I'll put up a graph here that shows funding over
25 the last 10 years or so, and as shown on this graph, the

1 continued pressure on domestic budgets caused funding for
2 the IFA program to decline from about \$5 million in 1990 to
3 \$100,000 in 2000. Of this year's \$100,000 appropriation,
4 Congress earmarked 58,000 for IFA work in New Mexico. And
5 given the current funding level, essentially no dollars are
6 available for pass-through to the other states.

7 Despite the low funding level, APHIS continues to
8 maintain the federal quarantine by annually updating the
9 list of infested areas contained in the Federal Register.
10 In addition, our Investigative and Enforcement Services
11 staff looks into about 10 to 20 quarantine violations
12 annually.

13 About a third of these cases are closed with
14 warnings issued by the local plant protection and quarantine
15 officer for a first-time violation. Another third are
16 closed with no action if the shipping facility was under a
17 compliance agreement and treatments were applied in
18 accordance with that agreement. The last third are assessed
19 civil penalties in accordance with the law. These normally

20 range up to \$1,000 per violation, which is the maximum
21 allowed by statute. The typical fine ranges from \$500 to
22 \$2,000, depending on the severity of the violation and the
23 number of -- number we can charge.

24 In addition to our IES activity, APHIS continues
25 to focus on development of new regulatory treatments and

1 nursery compliance protocols. About \$350,000 is allocated
2 annually to Gulfport, Mississippi, for methods development
3 work. To our knowledge, Gulfport is the only facility in
4 the country that is developing IFA regulatory treatments.

5 So, given the above developments, we decided to
6 hold public meetings and to get input on what direction the

7 IFA program should take. To help stimulate discussion on
8 this issue, we proposed the three options shown. Under
9 option one, we would maintain our imported fire ant program
10 with minimal regulatory activity, in line with current
11 funding. This option would provide uniform standards and
12 consistent interstate shipping requirements for the
13 regulated industry. Under this option, with the current

14 funding level, most states would enforce the federal
15 quarantine without federal dollars.

16 Under option two, we would eliminate the federal
17 quarantine and develop model guidelines for states to use in
18 harmonizing their quarantines. This option would reduce
19 federal costs and may provide uniformity without federal

20 regulation. However, under this option, states may impose
21 more or less stringent requirements, and these requirements
22 could differ from state to state.

23 Under option three, we would eliminate the IFA
24 regulations and would participate in establishing a
25 voluntary nursery compliance program. This option would

1 also reduce federal costs and may provide uniformity without
2 federal regulation. However, such a certification program
3 is not mandatory and could result in less than 100 percent
4 participation.

5 At this time, the agency has made no decision on
6 how to proceed. All options, including any submitted in
7 writing or presented at this meeting, will be considered
8 before a final decision is proposed.

9 Thank you again for your interest, and that
10 concludes my briefing.

11 MR. LIDSKY: Okay. I'm going to call our first
12 registered speaker, and that is Mr. Benny Graves, please.

13 MR. GRAVES: It's good to be with you today. I'm
14 Benny Graves. I represent the Mississippi Department of
15 Agriculture Bureau of Plant Industry and I'd like to read a
16 few comments from the Mississippi Department of Agriculture
17 concerning this issue.

18 "We are glad to have this opportunity to comment
19 on the course of action USDA-APHIS should take in dealing

20 with the federal fire ant quarantine. The Mississippi
21 Department of Agriculture Bureau of Plant Industry believes
22 that USDA-APHIS should maintain the imported fire ant
23 quarantine. Keeping the federal fire ant quarantine in
24 place is of vital importance to our nursery and beekeeping
25 industries. Both of these agricultural industries ship into

1 uninfested states. Because of the USDA-APHIS involvement in
2 the fire ant quarantine, there is a uniform, consistent set
3 of rules for our nurseries and beekeepers to follow when
4 shipping into uninfested states. We do not want to see the
5 federal fire ant quarantine replaced with state-by-state
6 fire ant rules governing how a crop must be grown, shipped,
7 or treated. Such regulatory action at the state level would
8 create a regulatory nightmare for the affected industries in
9 our state.

10 "Mississippi currently has 117 nurseries and
11 nursery dealers and 20 beekeepers who would be immediately
12 impacted by any change in the federal fire ant quarantine.

13 "Beyond these two industries, the Mississippi
14 Department of Agriculture believes the USDA-APHIS should be
15 involved because of the national threat fire ants pose as an
16 invasive species. Fire ants have a negative impact on both
17 public health and environment whenever they become
18 established. This threat should be taken seriously at the
19 federal level. The minimum action level should be the

20 continuation of the federal fire ant quarantine."

21 In addition to that, of course, Mississippi would
22 support any funding mechanism to increase funding on the
23 federal fire ant program.

24 "In conclusion, the Mississippi Bureau of Plant
25 Industry thanks the USDA-APHIS for the opportunity to make

1 this public comment."

2 MR. LIDSKY: Thank you very much.

3 Mr. Eddy Edmondson, please.

4 MR. EDMONDSON: Good morning. I'm Eddy
5 Edmondson. I'm the president and CEO of the Texas Nursery
6 and Landscape Association. The Texas Nursery and Landscape
7 Association, hereafter referred to as TNLA, is a trade
8 organization that represents all segments of the nursery and
9 the landscape industry in Texas, being the wholesale
10 production, retail, landscape, and allied businesses. The
11 sales volume of the nursery and landscape products and
12 services in Texas is in excess of \$14 billion annually.

13 My comments are made on behalf of our members.

14 In addition to those members who are present here today,
15 there are over 1,000 growers in Texas alone who are affected
16 by this quarantine. Unfortunately, this hearing is taking
17 place during the busiest time of the year for growers, which
18 is the spring shipping season, and only a few can be present
19 today to testify. We have received copies of letters from a

20 large number of growers who will be submitting written
21 comments.

22 Both our industry and our state have felt the
23 sting of the imported fire ant issue personally and in our
24 pocketbooks for over 20 years. The nursery and landscape
25 industry has willingly assumed a portion of the financial

1 burden for slowing the spread of this agricultural and
2 health menace across the United States.

3 Since the imported fire ant problem has been
4 around for many years, it is possible that during the USDA-
5 APHIS budget development process, it suffered from being a
6 longstanding issue, losing the impetus of being a "hot
7 issue." We welcome this opportunity to inform decision-
8 makers about the impact of losing funding for the imported
9 fire ant quarantine.

10 One reason that past efforts to control the
11 spread of the imported fire ant have experienced some
12 success has been the implementation of a single quarantine
13 standard across the country. The quarantine has not been
14 abused as a means of regionalism or as a protectionist ploy,
15 because all states were playing under the same rules
16 enforced by the federal quarantine.

17 The value of a united effort is further
18 illustrated by the Texas Imported Fire Ant Research and
19 Management Plan adopted by the 74th Texas Legislature. This

20 plan includes research, education, quarantine and survey
21 projects, and community-wide management efforts. The lead
22 agency is the Texas Agricultural Extension Service, with
23 cooperation among the Texas A&M University System, the Texas
24 Department of Agriculture, the Texas Parks and Wildlife, the
25 Texas Tech University, and the University of Texas.

1 In 1998, this project produced a regional
2 publication for Alabama, Arkansas, Georgia, Louisiana, and
3 Texas, prepared by Drs. Bastiaan Drees and Charles Barr of
4 the Texas A&M University System, along with extension
5 specialists from the University of Arkansas, Louisiana State
6 University, Auburn University, and the University of

7 Georgia. We have seen positive results from the Fire Ant
8 Management Plan after only a few years.

9 The national effort would do well to use the
10 philosophy of this program as a model and focus on a unified
11 research and implementation approach rather than creating an
12 environment in which each state may go its own way. The
13 imported fire ant issue is not just a nursery and landscape

14 issue, not just an agricultural issue. It is a health and
15 human safety issue, and as such, it is worthy of the
16 attention of the federal government.

17 However, the very nature of the problem presents
18 a threat to our industry. Imagine for a moment that the
19 states not yet infested decided it was in the interest of

20 their citizens to cut off all imports of plant material in
21 soil from the quarantined states. Availability of plant
22 material to the nursery and landscape markets in the
23 uninfested areas would be affected, because most of the
24 major growing areas of the United States are in the
25 quarantined states. The economy of the quarantined states

1 would be affected, because the nursery and landscape
2 industry is a significant economic factor in these states.

3 Scientists tell us that it is not possible to
4 completely contain the spread of the imported fire ant.
5 Therefore, we contend that the best strategy is to slow the
6 spread of this pest down with proven techniques that do not
7 disrupt the economies of the areas involved.

8 Another issue affected by the quarantine is fair
9 competition in the marketplace. A uniform quarantine with
10 adequate funding to state departments of agriculture for
11 surveys and enforcement helps ensure that law-abiding
12 businesses are not at an unfair competitive disadvantage.

13 In the interest of economic health, human health
14 and safety, and marketplace equity, the Texas Nursery and
15 Landscape Association strongly urges restoration of \$7.5
16 million in funding for the USDA-APHIS imported fire ant line
17 item.

18 Our organization is available to provide
19 information and background on this issue at any time, and if

20 any of you have any questions today, I'll be glad to address
21 them.

22 MR. LIDSKY: Thank you very much.

23 Mr. Craig Albiston, please.

24 MR. ALBISTON: Turkey Creek Farms appreciates the
25 opportunity to comment at this public hearing. We strongly

1 urge that the federal fire ant quarantine be maintained and
2 that funding be restored to combat this destructive and
3 invasive pest.

4 Red imported fire ants were accidentally
5 introduced into the United States near Mobile, Alabama, in
6 the early 1900s. This invasive pest has spread throughout
7 the Southeast, from eastern North Carolina, south to
8 Florida, and west through much of Texas. The USDA's Animal
9 and Plant Health Inspection Service, otherwise known as
10 APHIS, maintains a quarantine to slow the spread into
11 uninfested areas. The quarantine includes rules for
12 shipping fire-ant-free nursery and greenhouse plants.
13 Quarantine activities, such as infestation surveys,
14 compliance monitoring and enforcement are shared by APHIS
15 and the states. The partnership between the federal
16 government and state governments has worked well on this
17 issue.

18 Federal funding has been virtually eliminated for
19 fiscal year 2000. With no funding, the states and affected

20 industries will be burdened to finance this quarantine.

21 Some have even spoken about rescinding the federal

22 quarantine altogether. This would not be good. Imported

23 fire ants pose a danger to human health, to our agriculture,

24 and to our property.

25 According to a Texas A&M news released dated

1 September 19, 1999, "The red imported fire ant is digging
2 deep into the wallets of Texans. Damage and management of
3 the imported pest in the five major urban areas of Texas
4 cost more than \$580 million in 1998." There are huge areas
5 of the United States which are still uninfested. They want
6 to stay free from this pest as long as possible.

7 The American nursery industry is the most
8 promising growth segment in American agriculture. The
9 majority of us are small businesses and family farms, and
10 since both field-grown and containerized nursery stock are
11 regulated under the federal quarantine, we bear considerable
12 costs to comply with the quarantine requirements. We have
13 been and are willing to share the burden of controlling the
14 pest.

15 Turkey Creek Farms is the largest container-
16 growing operation in Harris County, Texas. Our 160-acre
17 nursery is located in northern Harris County, near Houston's
18 Bush Intercontinental Airport. We grow a diverse assortment
19 of trees, shrubs, and color plants in containers ranging

20 from 4 inch to 15 gallons. And while greenhouse and bedding
21 plants account for about 60 percent of our annual sales,
22 about 90 percent of our acreage in production is devoted to
23 trees and shrubs.

24 Our pest management practices include baiting,
25 scouting for pests, and periodic spot treatments, all done

1 with the aim of diligently working to grow superior quality,
2 pest-free products that our customers demand.

3 On September 23, 1994, Fireban, a synthetic
4 pyrethroid, was approved by APHIS for the imported fire ant
5 quarantine program and imported fire-ant-free nursery
6 program. We use Fireban in our soil mix. Twice a year, we
7 bait with Logic, and we spot-treat with Orthene, Diazinon,
8 and Dursban.

9 Inspectors from the Texas Department of
10 Agriculture routinely visit us to ensure our compliance to
11 the federal fire ant quarantine in addition to monitoring
12 our pest eradication efforts.

13 Depending on their size, individual nurseries are
14 likely spending anywhere from a few thousand to several
15 hundred thousand dollars a year on fire ants. Our annual
16 expenses at Turkey Creek Farms are about \$58,200. They are
17 broken down as follows: labor cost for baiting and
18 pesticide applications, \$6,200; administrative costs,
19 management expenses, \$3,000; soil amendment, \$46,400;

20 baiting with Logic, \$600; and the pesticide spot treatments,
21 \$2,000.

22 Turkey Creek Farms ships to customers in
23 Oklahoma, Louisiana, Arkansas, Alabama, Mississippi,
24 Missouri, and Tennessee. If the states are left alone to
25 fund and erect their own quarantine regulations, nursery

1 producers like ourselves will be faced with multiple
2 standards for the products we grow and ship. Furthermore,
3 adequate enforcement is needed to ensure that law-abiding
4 businesses are not put at an unfair competitive disadvantage
5 in the marketplace. This can only happen through an
6 adequately funded federal quarantine.

7 While we may never be able to eradicate fire
8 ants, the federal quarantine that is being administered by
9 the states' departments of agriculture are working to slow
10 the advance into uninfested areas, while pesticides and
11 better management techniques work to reduce the widespread
12 damage of these pests. Universities, like Texas A&M, and
13 government research facilities are working to develop new
14 and better controls, and chemical manufacturers are bringing
15 new pest management tools on line.

16 Because fire ants are both an invasive species
17 and a human health threat, preventing their spread is a
18 legitimate public goal and a reasonable expenditure of
19 public funds. While there is a need for partnership between

20 the federal government and state governments, the federal
21 government, through APHIS, is best equipped to deal with the
22 fire ant issue. We urge those of you here today to support
23 the restoration of the \$7.5 million in funding for the USDA-
24 APHIS fire ant line item in order to ensure a viable and
25 effective quarantine.

1 Thank you.

2 MR. LIDSKY: Thank you.

3 Glenn Schroeter, please.

4 MR. SCHROETER: My name is Glenn Schroeter. I'm
5 from the Antique Rose Emporium in Brenham, Texas. We have a
6 wholesale, retail, and mail order business. We have about
7 30 people in our production facility and about another 30
8 people at our retail centers, and we do a couple million
9 dollars a year worth of sales.

10 We are in a fire ant county, and we do not wish
11 to spread fire ants elsewhere. It is our purpose to grow
12 plants, not to spread the fire ants. We ship to all 50
13 states via UPS. We have inspectors that come to our
14 facilities twice a week to make sure that we comply.

15 APHIS gives us a uniform set of standards to
16 meet. We know where we are when we deal with this set of
17 rules. The imported fire ant knows no borders. It is a
18 national issue. They are going to cross the borders into
19 other states, so it is a national issue.

20 APHIS says that we have done our part, that we
21 are willing to do what is necessary at a national level
22 instead of compete against each other. Another thing that
23 it allows us small people to do is it allows us to enter
24 markets competitively and not to be excluded unfairly by a
25 noninfested area.

1 MR. LIDSKY: Thank you.

2 James Harden, please.

3 MR. HARDEN: I'm James Harden from Mortellaro's

4 Nursery in San Antonio. The name is H-A-R-D-E-N.

5 Mortellaro's Nursery is a family-owned business. We've got

6 three generations currently active in the business. We're a

7 wholesale grower of nursery stock. We operate nurseries in

8 three counties in Texas. They're all in the fire ant

9 quarantine area.

10 We employ 75 people, approximately, and we sell

11 our product only in the state of Texas, but some of the

12 state is not in fire ant areas, and we have to treat before

13 we can ship into those areas. We drench, and then an

14 inspector comes and checks it to make sure.

15 A lot of the plant material we purchase in

16 smaller size are liners coming from different states, and

17 they could come in, without rules, now because the federal

18 quarantine covers all of those.

19 And we've been fighting the fire ant on our

20 property for years to keep it from spreading. We treat; we
21 are inspected. Once a year we do a total broadcast of the
22 whole nursery, and then we spot-treat occasionally when we
23 find the pest, the ants. And we spend probably \$2,000 to
24 \$3,000 to treat the whole nursery, and then I don't know how
25 much we spend in labor in the spot treating, because it's

1 just whenever we need them.

2 And we're inspected by the Texas Department of
3 Agriculture, and our product is shipped with certification
4 that it is fire ant free.

5 I'm asking you to support the nursery industry in
6 the fight against the imported fire ant that is spreading

7 throughout the United States. Please support the
8 restoration of federal funding for the fire ant quarantine.

9 Presently, the USDA's Animal and Plant Health
10 Inspection Service maintains a quarantine to slow the spread
11 of the imported fire ant to uninfected areas. The
12 quarantine includes rules for shipping fire-ant-free nursery
13 and greenhouse plants. These quarantine activities are

14 shared by APHIS and the state. However, the program has
15 been declining for years, and this year funding has been
16 virtually eliminated.

17 This not only shifts an undue burden onto the
18 states -- and is leading to pressure to revoke the federal
19 quarantine altogether. The quarantine allows for a

20 coordinated, consistent approach to slowing the fire ant's
21 spread. This means one set of rules for shipping products
22 interstate. Revocation of the quarantine would open up the
23 opportunity for uninfected states to pass their own rules,
24 leaving our industry struggling to comply with confusing and
25 perhaps even conflicting demands for treating and

1 certifying.

2 Federal funding assistance should be restored and
3 the quarantine kept in place.

4 MR. LIDSKY: Thank you.

5 Robert Cartwright, please.

6 MR. CARTWRIGHT: I am Robert Cartwright. I'm
7 with Ran-Pro Farms in Tyler, Texas.

8 The imported fire ant is an invasive insect pest
9 that has been in the United States since the early 1900s and
10 has spread throughout the Southeast and west throughout
11 Texas, and now is in Southern California. Efforts to
12 eradicate the fire ant have gone on for years but have
13 ultimately failed.

14 USDA Animal and Plant Health Inspection Service
15 research and quarantines have helped in slowing the spread
16 of the fire ant. The federal quarantines and rules allow
17 for wholesale nursery growers like Ran-Pro Farms, Inc., to
18 follow one set of uniform rules for shipping fire-ant-free
19 nursery plants interstate.

20 States in the quarantine areas of the Southeast,
21 Texas, and California are major production areas for nursery
22 and greenhouse plants. These regions are growing literally
23 billions of dollars' worth of plants which are shipped to
24 all areas of the country. Revocation of the uniform federal
25 quarantines would allows states not infested the opportunity

1 to have their own rules, which would leave our industry
2 struggling to comply with confusing and even conflicting
3 demands for treatment to certify plants entering their
4 states. In fact, it could allow for restriction of trade,
5 depending on how each state established their rules.

6 As a grower who currently ships plants into 28
7 states, revocation of the federal quarantine would create a
8 major problem for us, to know each state's individual
9 requirements for shipping into them. It will also likely
10 create a problem for the Texas Department of Agriculture,
11 its inspectors, as well as the other state agricultural
12 agencies, by causing them to have to complete different
13 certificates for each state.

14 The national concern over invasive species is at
15 an all-time high, and the imported fire ant is just one of
16 these species. It is a troublesome public health and
17 agricultural pest. It should be a shared goal of the
18 federal government and the horticultural industry to prevent
19 and slow the movement of this pest into uninfested areas of

20 the country.

21 As a company in a quarantined state, we have
22 spent hundreds of thousands of dollars over the past 15
23 years to produce and ship fire-ant-free plants into our
24 markets. This may not seem like a lot of money, but for a
25 small company like Ran-Pro Farms, it's substantial.

1 It is very disturbing for me to learn that the
2 federal government and USDA-APHIS has cut funding for fire
3 ant research, quarantine research, and implementation of
4 programs from the federal budget.

5 I'm hereby requesting that this budget cut be
6 reconsidered and monies reinstated for these programs. This

7 funding will ensure uniform quarantine and compliance for
8 shipping fire-ant-free nursery plants to all states in the
9 country and also slow the movement of this invasive pest.

10 MR. LIDSKY: Thank you.

11 Sid Miller, please.

12 MR. MILLER: Good morning. Is it okay if I just
13 stand there? I'm not much of a speaker. I'm really just a

14 country hayseed.

15 I'm Sid Miller. I have a little nursery and tree
16 company, and I'm from Stephenville, Texas. I have a family
17 operation there, a nursery business. We farm 120 acres of
18 nursery stock, and our nursery's been there since 1950.

19 My wife and myself and my two sons and my brother

20 and my sister are all involved. In addition to the nursery
21 business, we farm several row crops and raise cattle. Now,
22 we ship our nursery stock all the way from Washington, D.C.,
23 to California, so it's important, this quarantine program.
24 It affects my business immensely, being able to ship in and
25 out of those states.

1 You know, the Texas agriculture economy right now
2 is probably not very good. We're going through a three-year
3 drought. We've got the lowest commodity prices we've had in
4 years. Grain prices are at an all-time low. The cotton
5 price is at a low. But one bright spot in the agriculture
6 economy here in Texas is our nursery industry. It is a
7 robust, growing economy.

8 Now, to lift this quarantine and put it on the
9 states will be the demise of that. And I'll explain to you
10 why. If this fire ant quarantine is not handled properly,
11 it'll put an end to the robust nursery trade here in Texas.

12 You know, the fire ant -- the Latin name for the
13 fire ant is *Solenopsis invicta*. I think that's very
14 fitting, because when it's translated, that translates to
15 the "unconquered invader." I think that's a very fitting
16 name for them.

17 You know, this pest does untold damage at my
18 nursery. We spend hundreds and hundreds of dollars each
19 year, repairing irrigation pumps, solenoid valves,

20 electrical boxes. They get into our farm machinery. We put
21 out fire ant bait. We treat. We drench all our plants
22 before we go out, so it does affect me economically quite a
23 bit. We spend quite a few dollars trying to handle this
24 pest.

25 I'd like to tell you a little bit about my

1 hobbies, because this pest affects them, too. The two
2 things I like to do when I'm not working is bird-hunt and
3 trout-fish. And I want to tell you, I've got some bird dogs
4 that are probably going to die of old age before they see a
5 native covey of quail in my county. These fire ants, when
6 the baby quail hatch out, they devour them. The ones that

7 live, the fire ants eat up the small insects that they need
8 for food to survive. So they have really decimated the
9 quail population in my county and several surrounding
10 counties. I live up in north central Texas.

11 My other hobby I mentioned was trout fishing.
12 There's not that many trout fisheries in the state of Texas,
13 but the best one we have is not far from here, down on the

14 Guadalupe River. Trout love ants. They get fat on ants.
15 They're almost pure protein. And the last spring, the fire
16 ants in that Guadalupe watershed begin to mate, and they fly
17 up and, most of you know, they come back down. Well,
18 numerous ants landed in the river, and the fish ingested
19 those ants. Well, the venom in the fire ant is toxic. And

20 those fire ants killed 23,000 rainbow trout and ruined my

21 fishing! They got my quail, and now they've got my fish!

22 So, you know, I'm ticked off.

23 I don't think we've had a pest of this magnitude

24 in this state since the screwworm. I mean, it affects all

25 aspects of agriculture. And it also is affecting our

1 recreation, and the screwworm didn't even do that. So, you
2 know, what I'm here to plead with you today is, do not bail
3 out on us. We need more help, if anything, on this fire ant
4 program.

5 Normally, I think that less federal regulation is
6 a good thing, but in this case, I'm going to have to back up
7 on that, because we need some uniform regulation. And I'll
8 give you a couple examples that I've had myself of what
9 happens to me, to a nurseryman, when the states regulate the
10 quarantine themselves.

11 A few years back, I had a customer -- as I said,
12 I'm a tree grower. One of the tree crops we grow is pecan
13 trees. I had a customer that wanted a big order, nice
14 order, of pecan trees shipped into New Mexico. I called the
15 TDA, got my fire ant approval and all things that we needed
16 to -- from the TDA, the federal level. Well, I called -- I
17 thought, I better call New Mexico, because I haven't sent
18 any out there before, just to see what I need to do.

19 So I called their agriculture department in New

20 Mexico. They said, "Well, Mr. Miller, we really don't allow
21 any pecan trees into our state." I said, "Well, what do you
22 mean?" He said, "Well, yeah, you can ship them in. There's
23 a couple things you can do." He said, "The first thing you
24 can do, if you want to ship your pecan trees in, is you have
25 to knock all the dirt off the roots and then dip them in

1 some hot, scalding water." I said, "Oh, really?" Well,
2 y'all may not be nurserymen, but you can probably figure out
3 what that does to the livability of the pecan tree. I said,
4 "Well, I don't think that'll work in my case."
5 "Well, there's one other thing you can do, Mr.
6 Miller, if you want to send them out here. You can build a

7 vault big enough to hold these pecans you want to ship out
8 here, and you can gas them with methyl bromide." I don't
9 know if you know anything about methyl bromide, but it's
10 probably one of the deadliest gasses known to man. It'll
11 kill anything big enough to die. Well, that's not something
12 that I want on my place, so I have never been able to sell
13 any pecan trees to New Mexico.

14 A second instance on this state quarantine, I had
15 a company from California come in, and everybody wants to be
16 like Texas. And I was flattered. They wanted to put in a
17 Texas exhibit. I said, "You bet. Come on down, we'll fix
18 you up." So they wanted some native Texas plant material.
19 Well, on the first shipment that was going out there, half

20 of the truckload was a native plant that grows right out
21 here on these limestone hills. It's called Mexican
22 persimmon or native black persimmon. Well, I did all my
23 checking again. I was real careful this time, because I'd
24 already been bitten once on those pecan trees. So we did
25 the fire ant quarantine and checked on the nematode thing

1 and checked with the California Department of Agriculture:

2 "Everything's okay. Send them on."

3 Well, we get out there, and I got the, Oh-by-the-

4 way rule when we got out there. I don't know if you've

5 heard of that one, but when they got there, it was, "Oh, by

6 the way, Mr. Miller, these native trees you sent are fruit

7 trees." I said, "They're what?" "Yes, they're a native

8 persimmon, and we don't allow fruit trees shipped into our

9 state. We've got them offloaded out here in a pile, and we

10 need to burn them." I said, "Oh, really. Well, that's

11 great." He said, "Well, you can send a truck back out here

12 and pick them up." Well, that's 3,400 miles to send a truck

13 back out there and pick those up and bring them back, so

14 that wasn't an option. So they pile my trees up out there

15 and burn them.

16 I did have a little consolation, though, because

17 the other half of that truck were Texas mesquite trees, and

18 I think every one of them lived, and I hope they infected

19 the whole county out there.

20 (General laughter.)

21 MR. MILLER: So those are some examples of what
22 happens when the state regulates a quarantine. They're
23 going to regulate us out. Texas has real open borders. We
24 bring in a lot of nursery stock. We are real compliant.
25 But there are some states out there that would like to keep

1 us out. And I'm afraid that's what's going to happen in
2 this case.

3 You know, I've looked at this thing. I don't
4 know all there is to know about it, but it looks like to me
5 that the states are bearing most of the cost of this
6 program. And I think what we're asking for is to keep \$7.5
7 million in the line item to keep this program going. If we
8 can do that, I would sure appreciate it. If we can do it
9 with less money, that would be even better.

10 I'm not for spending a lot of money, but I do
11 believe it's imperative to the nursery industry, to the sod
12 industry. You know, these commodities, they could -- you
13 know, they could regulate our hay products out, our grain
14 products out. No end to what some of these states could do
15 to limit our exporting from state to state. So I urge you,
16 as a farmer and as a nurseryman, to please consider
17 overseeing this program. And actually we need more effort
18 instead of less effort, on my part.

19 So I encourage you to restore the fire ant line

20 item to the APHIS budget. If you have any questions, I'll
21 be around today. I'll be glad to visit with you. And other
22 than that, I sure thank you for your time and your
23 consideration. Thank you.

24 MR. LIDSKY: Thank you very much.

25 Dan Batson, please.

1 MR. BATSON: I'm Dan Batson with Green Forest
2 Nursery in Perkinston, Mississippi. I appreciate your time
3 and letting us come and speak. I'm not going to read my
4 prepared statement. It's going to reiterate a lot of the
5 things that you've already heard today.

6 I would like to bring up just three points that I
7 think are most pertinent to what I'm here about. As I say,
8 I do represent my company. I also represent American
9 Nursery and Landscape Association, as a director of the
10 grower division.

11 The three points I would like to bring up is, if
12 all the states bring forth their regulations, our nursery
13 and every nursery in the quarantine area, if they want to
14 ship outside the quarantine area, are basically going to
15 have to comply with the most stringent laws of whatever
16 state that may be in, if they want to ship into that state.

17 Our costs right now are fairly significant to
18 come into compliance, but the costs could soar to
19 astronomical amounts if there was one state that was

20 significant enough to our production and we had to comply
21 with that state if we wanted to ship in there. So the
22 entire nursery would have to comply with that state, whether
23 we shipped 25, 10 percent, whatever percentage of our
24 production was there.

25 We happen to produce large container material,

1 15-, 25-, 45-, and we're getting into 65-gallon containers.
2 Our production time is a minimum of four years, but an
3 average of five to six years. I'm really concerned about
4 the changing laws. And if laws were to change within our
5 production time, we may be rendered noncompliant, and there
6 would be absolutely no way that we -- or almost impossible,
7 anyway, to come into compliance.

8 With the chemical, the Talstar that we mix into
9 our mix, and the size containers that we have, if someone
10 changes the laws and they want more of the Talstar in that
11 mix, there's absolutely no way we can do that. You cannot
12 topically apply the Talstar, because it will not filter down
13 into the depth of the containers we have. So if the laws
14 change, we may be without an opportunity to ship.

15 Another concern I have is, in our shipment of
16 plant material, we ship to different orders. Therefore that
17 truck may be going into different states. With the
18 regulations of the different states and dropping off into
19 different states, the paperwork that we would have to do as

20 to -- as that truck goes through those states in compliance
21 with those different states.

22 Again, I thank you for your time, and I would be
23 glad to answer any questions from my particular business.
24 Thank you.

25 MR. LIDSKY: Thank you.

1 Lee Howell, please.

2 MR. HOWELL: I'm going to be like Mr. Batson: In
3 the interest of time, I won't read this whole prepared
4 statement. But I'm Lee Howell with Rocky Creek Nursery. We
5 have a growing operation in Lucedale, Mississippi. I also
6 serve as a director of Chapter 4 for the Southern Nursery
7 Association that is comprised of Texas, Louisiana,
8 Mississippi, and Alabama. But I would like to express my
9 appreciation for having the opportunity to be here this
10 morning.

11 My business is a family business. I'm a third
12 generation in this business, and my brother and myself
13 continue to operate that. We have a 70-acre container
14 nursery, and we ship probably 60 percent of our material out
15 of the state.

16 A good example of how stringent another state can
17 be, Tennessee is our neighbor to the north. Several years
18 ago, there was a situation where there was a lot of concern
19 at the movement of the imported fire ant into that area, and

20 they were really watching for any shipments coming in. And
21 pretty much every shipment we sent into that state, before
22 that shipment entered the state, they had to have an
23 inspector there to inspect the material as it came off the
24 trucks.

25 So I've always said that my biggest concern for

1 the fire ant is not being so much compliant with the
2 agreement, but if I get one customer that gets a container
3 with fire ants in it, that's economic to me, so that's not
4 going -- I don't need that customer to have that kind of
5 problem. So we treat every container. Our medium is
6 amended with the Talstar so we can ship anywhere in the
7 United States. I have customers out in Seattle, as far away
8 as Seattle, Washington, and so we need to be compliant
9 anywhere in the United States.

10 I'll reiterate that the main thing we need is
11 that uniform set of compliance codes. That's going to be
12 the key for the nursery industry. And I think, like Mr.
13 Miller said, right now agriculture is having a struggle, to
14 say the least, in the economic department. And right now,
15 the horticulture industry is really the only profitable
16 segment of any agricultural entities. And we would like for
17 that success to continue.

18 I think that you're going to continually hear the
19 thing today stressed is just that we need that uniform set

20 of compliance codes, and I think that's probably the most
21 important issue here today is that we try to revive that and
22 hopefully restore that funding.

23 I know that the only research facility in the
24 United States that I know of is located right there at
25 Gulfport, Mississippi. And we would certainly hate to see

1 that facility be reduced to where it's not operating
2 anymore. It's been a very important part of our state and,
3 more importantly, of the whole Southeast.

4 I certainly appreciate your time. If I can
5 answer any questions a little later, I'll be happy to do so.

6 MR. LIDSKY: Thank you.

7 Donald Taton, please. And I hope I'm pronouncing
8 that correctly.

9 MR. TATUM: My name is Tatum?

10 VOICE: We always told you you wrote chicken
11 scratch.

12 MR. TATUM: Hey, I printed that.

13 (General laughter.)

14 MR. TATUM: That's all right. I've been called
15 worse.

16 I brought with me the Federal Register, and I was
17 going to read it if things got slow. So -- but I won't if
18 that was the way my name was going to come out.

19 I, too, am from Mississippi. I serve as the

20 executive secretary and treasurer of the Mississippi Nursery
21 and Landscape Association. In case you haven't noticed, I
22 am a state nursery specialist with the Department of Plant
23 and Soil Science with Mississippi State University, of which
24 we wear our official uniforms when possible. So today I am
25 representing the green industry from Mississippi, as the

1 state executive, and we have, in membership of nurseries and
2 the landscape industry, directly represented over 530
3 nursery and greenhouse growers, independent retail and
4 garden centers, and landscape professionals.

5 According to USDA's National Agricultural
6 Statistics Service, the nursery and greenhouse industry

7 remains the fastest growing segment of agriculture. The
8 census of Agriculture shows that nursery, greenhouse, and
9 floracultural crop sales totaled \$10.9 billion in '97, up
10 from 7.6 billion in '92.

11 Also, on a retail level, they're talking about
12 the green industry being over \$60 billion. Nursery and
13 greenhouse crops rank third nationally, behind only corn and

14 soybeans. And I wish I could tell some of the agronomic
15 crops there is in Mississippi, make them believe it. The
16 agricultural industry is larger than wheat, cotton, and
17 tobacco.

18 The environment for the industry's growth, public
19 awareness, and education has been enhanced by the nursery

20 inspection and licensing, certification, and quarantine
21 programs of the U.S. Department of Agriculture and the state
22 agricultural programs. Mississippi's nursery industry ranks
23 30th nationally and is valued at \$100 million. Over 80
24 percent of the nursery stock produced in Mississippi is
25 shipped outside the state. Of course, on the other side of

1 the coin, 80 percent of the nursery stock that is procured
2 by retail sales and all, within the state, is bought from
3 outside of the state.

4 Efforts to eradicate the imported fire ant was
5 attempted for years but has never been successful. If you
6 remember, our commissioner of agriculture, Jim Buck Ross,
7 operated one of the only state-operated fire ant plants, or
8 insecticide plants, to control the imported fire ant, to
9 furnish an insecticide to every citizen within the state to
10 do his best to eradicate the pest. Unfortunately, it was
11 unsuccessful.

12 Nursery and greenhouse products have long been a
13 significant focus of quarantine efforts by USDA. The
14 imported fire ant quarantine includes explicit rules for
15 protecting, certifying, and shipping fire-ant-free nursery
16 and greenhouse plants. Quarantine surveys, compliance
17 monitoring, and enforcement responsibilities are shared by
18 APHIS and the IFA-infested states.

19 We have observed funding reduced for the imported

20 fire ant quarantine program for years. While operated at
21 reduced funding, the states in the green industry was
22 expected to do more to curb the spread of this pest. Now
23 there's an attempt to abolish the imported fire ant
24 quarantine, and, I believe, at the expense of a thriving and
25 a growing industry.

1 The green industry is growing rapidly and needs
2 the continuity provided by the USDA-APHIS and plant
3 protection and quarantine inspection programs. Fortunately,
4 USDA plant pest quarantines are uniform from state to state.
5 Unlike EPA pesticide laws, which vary from state to state, a
6 state plant pest law can be no more restrictive than the
7 federal law. This brings commonness to chaos.

8 Mississippi's favorable growing conditions offer
9 an excellent environment for the pest to flourish. The
10 state of Mississippi was the leader in supplying fire ant
11 poisons to eradicate the pest. Without a favorable federal
12 quarantine, many states may seek extreme measures to curb
13 the spread of this pest. The federal quarantine establishes
14 a framework for a coordinated, consistent approach to
15 slowing the fire ant's spread. Without USDA-APHIS's
16 involvement, states will have to endure the burden alone in
17 trying to deal with the pest.

18 For the nursery and greenhouse industry, the
19 current quarantine efforts means one set of uniform rules

20 for shipping all types of nursery products interstate.

21 Revoking of the quarantine would influence uninfested states

22 to promulgate and enforce their own rules, add an

23 administrative burden to the states, and leave the industry

24 struggling to comply with confusion and perhaps even

25 conflicting demands for treating and certifying plants.

1 I would like to thank you for the opportunity to
2 present the views of the Mississippi Nursery and Landscape
3 Association on the USDA's imported fire ant quarantine. And
4 I won't read the Federal Register.

5 (Laughter.)

6 MR. LIDSKY: Thank you.

7 Bill Brown, please.

8 MR. BROWN: Good morning. My name is Bill Brown,
9 and I'm general manager of Magnolia Gardens Nursery. I also
10 serve as a state director for the Texas Nursery and
11 Landscape Association, representing Region II, which
12 stretches from Beaumont to Brenham and from Madisonville to
13 Galveston, and includes the Greater Houston metropolitan
14 area. All of Region II is within the fire ant zone.

15 Magnolia Gardens was established in 1977. The
16 nursery consists of 175 acres in Waller and surrounding
17 counties and currently has 140 employees. Our product line
18 includes trees, shrubs, ground covers, and perennials
19 produced from a one-inch container to a 45-gallon container.

20 All plants grown in containers smaller than one
21 gallon are sold through our liner division. The liner
22 division includes a tissue culture lab and over 500,000
23 square feet of greenhouse production area. This division
24 ships the majority of its product outside of the fire ant
25 zone. The primary customer base for this division is other

1 growers. We ship products from this division 52 weeks a
2 year via common carrier, airfreight, UPS, and on our own
3 trucks.

4 The container division produces similar products
5 in containers ranging from one gallon to 45 gallons. This
6 product is shipped primarily within the state of Texas.

7 Magnolia Gardens has a compliance agreement with
8 the United States Department of Agriculture. We are
9 regularly inspected by the Texas Department of Agriculture.
10 Our control program for fire ants includes regular
11 preventative treatment, as well as spot treatments when
12 needed. All shipments made outside the fire ant zone are
13 drenched prior to shipment in the prescribed manner.

14 At Magnolia Gardens, we believe that the
15 quarantine to slow the spread of imported fire ants is
16 consistent with the executive order on invasive species and
17 the growing congressional concern about this issue.

18 The cost to control imported fire ants at our
19 nursery is over \$6,500 per year. Of the 2,114 growers in

20 Texas, 243 have fire ant compliance agreements, all are
21 fighting the same battle, and with similar expenditures.
22 Other growers across the South have like problems and
23 expenses.

24 We agree that imported fire ants are not only an
25 invasive species, but also a human health threat. We also

1 agree that a commitment to slow down the spread of imported
2 fire ants is a legitimate public goal and a reasonable
3 expenditure of public funds.

4 Without the quarantine, our nursery, as well as
5 thousands of other nurseries across the South, would be put
6 at an unfair competitive advantage. If individual states
7 were in sole control of fire ant regulations for their
8 state, it is conceivable and probable that a free-for-all
9 could develop. We believe that it is extremely likely that
10 the controls would not be as effective or as fair as the
11 system now in place.

12 We urge the restoration of the \$7.5 million in
13 funding for the United States Department of Agriculture-
14 APHIS fire ant line item to ensure a viable and effective
15 quarantine.

16 Thank you.

17 MR. LIDSKY: Thank you.

18 I'm going to check the registration table to see
19 if there's any other registered speakers. And after that,

20 we'll call nonregistered persons that wish to make a
21 comment.

22 Bart Drees -- and I hope I'm pronouncing that
23 correctly.

24 MR. DREES: That's very close. You did very
25 well. I had a little car trouble this morning, so I got in

1 a little late and missed some of the early presentations.

2 I'm Bart Drees. I'm the coordinator for the
3 Texas Fire Ant Project. This is a \$2.5 million a year
4 project funded by the Texas Legislature initially in 1997,
5 and it funds research, education, and regulatory programs in
6 Texas by providing dollars to Texas A&M University's
7 Experiment Station and Extension Service, University of
8 Texas, Texas Tech University, and the Department of
9 Agriculture.

10 We feel that the loss of funding, federal
11 dollars, for the implementation of the quarantine will
12 result in Texas having to pick up those support dollars to
13 continue that program.

14 I'm also a member of the science panel that the
15 California Department of Food and Agriculture brought into
16 the state when they discovered red imported fire ants in Los
17 Angeles and Riverside County, along with Mr. Homer Collins.
18 So we've seen firsthand what can happen when fire ants
19 spread into new areas.

20 I think part of the discussion has centered
21 around the fact that there's maybe very little land area, if
22 you will, that's suitable for infestation by the red
23 imported fire ant left to protect by causing the rest of the
24 nation to pay the cost of protecting these areas.

25 I think one of the discussions I've heard in

1 California really rings true, and that is that the desert
2 West really has changed quite a bit in these urban areas in
3 Arizona, New Mexico, California, due to the -- and even West
4 Texas -- the extensive irrigation in those areas has changed
5 the habitat so that the potential areas of infestation,
6 particularly in urban areas inhabited by man, which is the
7 reason this is a big medical problem and urban problem, is
8 great.

9 And I don't think the work is yet done. There's
10 a lot of work that needs to be done, and I'm here to urge
11 continued funding from the federal level to implement the
12 USDA quarantine.

13 Let me give a couple of examples. And I don't
14 want to reiterate what other speakers have presented this
15 morning. Certainly the nursery and greenhouse industry has
16 been the focus of the quarantine, and here in Texas it's
17 estimated we're spending of hundreds of thousands of dollars
18 a year in treatment costs alone to comply with the USDA
19 quarantine. But the quarantine treatment regulations

20 continue to evolve and change.

21 As an example, only last year did we see a new
22 product registered called Distance Fire Ant Bait by Valent,
23 that for the first time can be broadcast applied or used in
24 greenhouse structures. Before that, we had no baits that
25 were legally available for use inside of greenhouses.

1 The collective efforts of Homer Collins's lab and
2 the rest of the fire ant research in the Southeast is
3 certainly responsible for bringing along these new products
4 and treatment approaches.

5 I've been working with Alenash Bodkar [phonetic]
6 and others at the Department of Agriculture because of the
7 issue that's recently arisen with the transport of bees to
8 California specifically, and the complication where you have
9 a distant quarantined county between nonquarantined areas or
10 states where bee movement, in this case, is being implicated
11 for transport of red imported fire ants into the almond
12 orchards in California. And this has cost a lot of money,
13 caused a lot of unrest in the Texas Beekeepers Association.

14 We now have some Texas Fire Ant Project funds to
15 address this issue, but the reality is that there is no
16 treatment program similar to those that are available for
17 greenhouses and nurseries in place currently to effectively
18 assure that we're shipping fire-ant-free beehives.

19 Similarly, in hay production, although we do have

20 quarantine regulations that pertain to hay, there is no
21 treatment for hay bales, either in the field or in storage,
22 to assure that we're shipping fire-ant-free hay. The only
23 quarantine regulations in place are to remove and store off-
24 ground bales, round or square bales, that are harvested
25 prior to shipment.

1 This gives us a big problem during droughty years
2 that we've experienced here in the last three years, the
3 last three summers, where we have a major need to save
4 cattle in West Texas and other western states, where we
5 don't have hay to ship them because we can't assure that we
6 can treat it and make those hay bales ant free.

7 A third example is with the trucking industry.
8 I've worked with a manufacturer of shingles in Ennis, Texas,
9 to try to work with them to develop a treatment program to
10 treat flatbed trucks that are hauling plastic-wrapped
11 shingles. Again, here is an area that there's no treatment
12 program in place. We've had to do extensive label searches,
13 and even when we get a treatment proposed and implemented,
14 there's no guarantee that the recipient state will accept
15 those treatment records as an indication of fire-ant-free
16 load. As a consequence, a lot of these get turned back at
17 the border, they get fumigated at the border, or otherwise
18 they just are not meeting the ultimate goal of their
19 shipping program.

20 Fire ants are undoubtedly a major urban pest, a
21 medical pest that can cause serious repercussions to
22 individuals, whether in urban or agricultural settings. We
23 need to maintain this support; in fact, we need to expand it
24 to develop treatment programs for these other articles that
25 I've discussed.

1 And probably the largest oversight, in my
2 opinion, for the quarantine program is the lack of education
3 programs in place to educate the shipping industry, the
4 truckers, the rail industry. There has been a program in
5 the past, but in California, as an example, certainly nobody
6 can really point a finger and say that that infestation in

7 Riverside was the result of shipment of nursery stock. In
8 fact, there's good indication to believe that it was
9 actually the importation of landscape articles that went
10 into landscaping the neighborhood around the nursery that
11 brought in infested material. And that may or may not have
12 been done by professionals. That could very likely have
13 been done by homeowners transporting plants from their

14 relatives in Florida to these other areas.

15 The general public is a major part in the
16 shipment of fire-ant-infested articles, and we don't have
17 the funding or support to address that huge need, which will
18 continually represent a threat to continued spread, out West
19 and to other noninfested areas, of the red imported fire

20 ant.

21 Thank you very much for letting me make these

22 comments.

23 MR. LIDSKY: Thank you.

24 Dan Davidson, please.

25 MR. DAVIDSON: Thank you. Is it okay to stand

1 here?

2 MR. LIDSKY: Yes, sir.

3 MR. DAVIDSON: I am president of a small firm
4 called Austin Tree Farm located right here in Austin. Our
5 farm is just east of the corporate limits of Austin, on the
6 Colorado River. We now farm 32 acres. We have 20
7 additional acres under contract, and we ship trees currently
8 primarily throughout Texas, Oklahoma, and certain bordering
9 states. We have sent trees as far away as North Carolina,
10 Florida, Louisiana, and Arizona.

11 I spent 26 years in municipal government, and I
12 particularly appreciate an effective, cooperative program
13 between agencies, such as you have developed, for example,
14 with the Texas Department of Agriculture. And as a small
15 grower of balled and burlap field-grown products, that
16 cooperative effort was extremely important to us in order to
17 learn how to be in compliance with the fire ant program that
18 you have established. And I want to compliment you on that,
19 and I certainly compliment the Texas Department of

20 Agriculture for this cooperative effort.

21 As a matter of fact, we had a representative from
22 the Texas Department of Agriculture come to our farm at our
23 request, and she inspected the farm, all 32 acres. She gave
24 us comments and recommendations as to how we might improve
25 our maintenance program and the type of insecticide material

1 that could be used to fight the fire ants. She also
2 described for us what had to be done in order to achieve
3 compliance with the fire ant program, in order to ship trees
4 into other parts of Texas and into other states, which have
5 not yet been overrun by the fire ant nuisance.

6 As a matter of fact, on the first -- she told us
7 that when we were ready to ship our first load of trees out
8 of state or into one of these quarantined areas, we were to
9 call her and ask that she come out and inspect what we had
10 done to make sure that we were in compliance. And since
11 that first and subsequent treatments required three days
12 minimum, she came out on all three days to make sure that we
13 were doing it correctly.

14 To a small business, that's extremely important.
15 And she also explained the cooperative effort with the
16 federal government, which I thought was very unusual. One
17 government is seemingly normally jealous or has some strong
18 feelings about another one. And I thought it was absolutely
19 refreshing that this Texas Department of Agriculture

20 employee happened to be praising the efforts of the USDA in
21 this cooperative venture.

22 I've noticed over the years since we started
23 participation in the program and since we became certified,
24 it's now much easier for us to control the fire ants. And
25 we're grateful to this program for teaching us how to do

1 that.

2 On the way to the farm, I drive by a pasture
3 located on a major highway, and obviously no one has tried
4 to control fire ants on that pasture. And I would just
5 estimate, gazing across the roadway and that pasture, that
6 there are fire ant mounds every five to six feet on that

7 pasture. And I can visualize what would happen if we did
8 not have some control efforts underway between the federal
9 government and the state of Texas in order to provide
10 education, information, enforcement. And I think it's a
11 great benefit to our state.

12 Another major consideration for us is that as a
13 small business, I'm not certain that we could keep up with

14 20 different standards that we might have to comply with if
15 we did not have such a consistent regulation as you have
16 provided at this time. I don't think we could afford to
17 stock that many different insecticides, or learn, or teach
18 our employees that many different procedures, or teach our
19 truckers that many different rules, as far as where you

20 stop, what you must show, how clean you have to keep your
21 trucks, et cetera, for 20 different jurisdictions. I think
22 it would be an absolute nightmare.

23 And finally, I want to say that I think 7.5
24 million dollars is really a drop in the bucket compared to
25 the strong benefits that this program is providing

1 throughout the United States. And I feel that way as a
2 small farmer located right here in Austin. I feel that
3 way -- by the way, I'm on the board of directors of the
4 Texas Nursery and Landscape Association, as a grower
5 representative. And I feel that way as I talk to other
6 growers throughout the state of Texas. And I urge you to
7 exact every persuasion that you possibly can to see that
8 funding can be restored to the federal government's portion
9 of this fire ant quarantine program.

10 And with my compliments, I wish you luck, and I
11 hope that you can bring back an effective funding that might
12 even grow over subsequent years. This is a very effective
13 effort, one that's extremely unique in the cooperation that
14 you have with other states. And we appreciate you and all
15 that you're doing. Thank you very much.

16 MR. LIDSKY: Thank you very much.

17 Melinda Causey, please.

18 MS. CAUSEY: Good morning. I'm Melinda Causey
19 with Van Zyverden, Incorporated, out of Meridian,

20 Mississippi. We're a wholesale distributor of flower bulbs,
21 perennials, fruits, and vegetables. We market our products
22 throughout the United States, Canada, and several European
23 countries. We maintain a sales force to service every state
24 in the United States, and we're the largest privately-owned
25 bulb company in the United States, with sales exceeding over

1 \$40 million.

2 Van Zyverden is also the largest green industry
3 business in Mississippi, employing more than 350 individuals
4 during the peak shipping seasons. Our company operates
5 under a compliance agreement with the USDA and the state of
6 Mississippi that is accepted in all states.

7 Without a uniform quarantine, it would be
8 impossible for us to comply with each state independently.
9 Inspections are routinely made of our facilities to ensure
10 proper regulatory treatment is maintained, and all shipping
11 cartons are properly identified with the federal and the
12 state quarantine programs.

13 Efforts to eradicate the imported fire ant was
14 attempted for years but was never successful. The USDA's
15 Animal and Plant Health Inspection Service has maintained a
16 quarantine to slow the spread to the uninfested areas by
17 regulating the various means of spreading the pest.

18 Nursery and greenhouse products have long been a
19 significant focus of quarantine efforts. The IFA quarantine

20 includes explicit rules for protecting, certifying, and
21 shipping the fire-ant-free nursery and greenhouse plants.
22 Quarantine surveys, compliance monitoring, and enforcement
23 responsibilities are shared by the APHIS and the IFA-
24 infested states.

25 We have observed funding reduced for the IFA

1 quarantine program for years. While operating at reduced
2 funding, the states and the green industry was expected to
3 do more to curb the spread of this pest. Now there is an
4 attempt to abolish the imported fire ant quarantine, and I
5 believe at the expense of the thriving and growing green
6 industry.

7 The green industry is growing rapidly and needs
8 the continuity provided by the USDA, the APHIS, and the PP&Q
9 inspection programs. Fortunately, the USDA plant pest
10 quarantines are uniform from one state to the next. Unlike
11 the EPA pesticide laws, which vary from state to state, a
12 state plant pest law can be no more restrictive than the
13 federal law.

14 The federal quarantine does establish a framework
15 for a coordinated, consistent approach to slowing the fire
16 ant spread. Without the USDA-APHIS involvement, the states
17 will have to endure that burden alone, trying to deal with
18 the fire ants.

19 Experience with several other quarantine pests

20 and noxious weeds has clearly demonstrated that meaningful
21 federal participation enhances the effort. States have
22 varying resources and priorities, and if they are not
23 uniform, one state's efforts is easily undermined by a
24 neighboring state with a lax quarantine program.

25 Several factors associated with national commerce

1 in nursery stock, including short-interval delivery and
2 brokerage, also contribute to a greater risk when
3 certification and shipping regulations vary from state to
4 state. All this translates to a less effective effort to
5 slow the IFA spread.

6 For the nursery and greenhouse industry, the
7 current quarantine effort means one set of uniform shipping
8 rules for all types of nursery products, interstate. This,
9 of course, would be very valuable for our company.
10 Revocation of the quarantine would influence uninfested
11 states to promulgate and enforce their own rules, adding an
12 administrative burden to the states and leaving industries
13 struggling to comply with confusing and possibly even
14 conflicting demands for treatment and certification.

15 Van Zyverden vigorously supports the continuation
16 and adequate funding of the federal imported fire ant
17 quarantine. Thank you.

18 MR. LIDSKY: Thank you.

19 Is Martin Hubert present?

20 MR. HUBERT: Good morning. My name is Martin
21 Hubert, and as the deputy commissioner of the Texas
22 Department of Agriculture, I'm here representing the leading
23 plant regulatory authority in the state of Texas. Texas
24 ranks second in the nation in agriculture, and our nursery
25 industry ranks third in the state in total cash receipts.

1 Activities in agricultural industries are
2 affected by the imported fire ant quarantine actions. We
3 applaud the USDA-APHIS PPQ for holding these meetings and
4 permitting affected stakeholders to comment on the course of
5 action that the agency should take in dealing with plant
6 protection programs that affect us all.

7 The imported fire ant is an invasive insect pest
8 accidentally introduced into the U.S. near Mobile, Alabama,
9 during the 1920s. Efforts to eradicate it continued until
10 the 1970s but were unsuccessful. The USDA's APHIS has
11 maintained a quarantine to slow the spread of IFA to
12 uninfested areas as a result of human activities.

13 The quarantine includes across-the-states uniform
14 rules for the shipment of fire-ant-free nursery and
15 greenhouse plants. Quarantine activities such as pest
16 surveys, compliance monitoring, and enforcement of
17 violations are shared by APHIS and the states. However, the
18 APHIS budget has been declining for years, and in fiscal
19 year 2000 has been virtually eliminated. This poses an

20 undue burden on states and the affected industries, and it
21 may result in revocation of the federal fire ant quarantine
22 altogether. The importance of quarantine in facilitating
23 interstate commerce while guarding the spread of IFA to free
24 regions requires that federal funding assistance be
25 restored.

1 The imported fire ant has spread throughout the
2 Southeast from North Carolina to Florida, to eastern and
3 central Texas. Several counties in Southern California are
4 also partly infested. However, large areas of the United
5 States, including Texas, are still IFA free and they would
6 like to stay free of this significant human health and
7 agricultural pest as long as possible.

8 The quarantine allows for a coordinated,
9 consistent, and uniform approach to slowing the spread of
10 IFA. Without USDA-APHIS involvement, states alone will have
11 to endure the burden of trying to deal with this pest.
12 Currently, the nursery and greenhouse industry regards IFA
13 quarantine as one set of uniform rules for shipping
14 interstate products.

15 The southern states and California are major
16 production areas for nursery and greenhouse plants, growing
17 billions of dollars' worth of trees, shrubs, flowers, and
18 other plants. Many of these plants are shipped to other
19 parts of the country. Revocation of the quarantine would

20 allow uninfested states to pass their own rules, leaving
21 industry to comply with confusing, perhaps even conflicting
22 demands for treating and certifying plants.

23 This concern became a reality for the Texas
24 beekeeping industry this past year. Beehives certified free
25 of IFA using the accepted Texas protocol were regulated

1 differently by Arizona and other western states, resulting
2 in an undue burden on the beekeeping industry.

3 TDA has consistently adopted the federal IFA
4 quarantine under subchapter J of the Texas Administrative
5 Code and continues to enforce a quarantine. National
6 concern over invasive species is at an all-time high. The
7 imported fire ant is an invasive species of public health
8 and agricultural concern. Preventing or slowing its
9 movement to many uninfested states is a shared goal and one
10 that we believe the federal government should share
11 regulatory funding for.

12 Already the infested states pick up most of the
13 burden in costs of surveying, certifying crops, and
14 enforcing the quarantine. Regulated nurseries spend tens of
15 thousands of dollars each year to meet the quarantine
16 specifications.

17 TDA agrees with the National Plant Board's
18 position that \$7.5 million should be funded by USDA-APHIS
19 for a shared effort that will help fund critical surveys,

20 compliance monitoring, and enforcement assistance. It will
21 help ensure that fire-ant-free nursery and agricultural
22 products are being transported and sold in the most viable
23 markets. This funding should be made available beginning
24 fiscal year 2001.

25 And I have a copy of my comments.

1 MR. LIDSKY: Great. Thank you.

2 Are there any persons who have not registered to
3 speak that would like to enter comments into the record or
4 ask questions of the panel?

5 MR. EDMONDSON: This is Ed Edmondson, Texas
6 Nursery and Landscape Association. As far as a question for
7 the panel, can you sort of give us a thumbnail sketch of
8 what the process is? I mean, I know this is the third
9 hearing, and we have one more. And then after that, what
10 happens?

11 MR. LIDSKY: Well, the comment period closes May
12 1. After the comment period closes, all the comments will
13 be carefully considered by the APHIS management team --
14 that's the deputy administrator and regional directors,
15 along with the regional plant boards and the National Plant
16 Board. And they will make some type of a decision based on
17 the comments.

18 I'm sure that if there are other persons that --
19 such as members of Congress that need to be aware of your

20 concerns, those concerns would be taken into effect by them
21 as well.

22 MR. EDMONDSON: But as far as a time line, you
23 know, out there, when a decision will be made, is there a
24 determination there?

25 MR. LIDSKY: Well, where we're at now is hearings

1 were held the week of March 15 on the fiscal year 2001
2 budget. Our administrator, Dr. Reed, testified before
3 Congress. And what happens between now and the end of the
4 fiscal year, which is September 30, is Congress puts
5 together a budget for the federal government.

6 As far as fiscal year 2000 goes, the situation

7 will not change. For 2001, the situation is still fluid and
8 could be affected by the budget process that's currently
9 underway and possibly these hearings. So how it will all
10 come out in the wash is speculative and I wouldn't care to
11 comment on it, but that's where we're at.

12 MR. EDMONDSON: All right. I just wanted to make
13 sure that we were talking about the 2001 year, as opposed to

14 the current year.

15 MR. LIDSKY: Yes, sir.

16 MR. EDMONDSON: Okay. Thank you.

17 MR. LIDSKY: Mr. Collins, did you have any
18 comments?

19 MR. COLLINS: No. There's a question in the

20 back.

21 MR. LIDSKY: Oh, I'm sorry. Please come on up.

22 MR. DREES: I had a question that I don't know if
23 the panel is able to address; perhaps Homer is. But the
24 funding this year, as I understand, is \$100,000 nationally,
25 and about half of that goes to Dona Ana County in New

1 Mexico. Is there any -- can you let us know what activities
2 those funds are going to support in New Mexico?

3 MR. COLLINS: I believe it's primarily a survey.

4 MR. DREES: Okay.

5 MR. RICKS: Good morning. My name is Phil Ricks.
6 I'm the district director for Congressman Henry Bonilla. He
7 asked me to be here this morning.

8 As the district director, I run through Henry's
9 29 counties from here to El Paso and I get to dodge a lot of
10 fire ants along the way. Henry sits on the Appropriations
11 Committee. He sits on the Subcommittee on Agriculture. So
12 he has some direct oversight in terms of this issue, and he
13 wanted me to let you know that he supports putting more
14 money from the federal government into this budget. I'm not
15 sure it would be the \$7 million that the gentleman that
16 spoke before me indicated, but that's something that
17 Congress is, as you pointed out, looking into.

18 They are currently working on the budget for 2001
19 as we speak, and I will go back to him and let him know what

20 transpired here after talking to a few people. And we will
21 work towards whatever it is where the budget is falling
22 short. Again, I can't promise what that would be, nor could
23 he at this point. But he wanted me to come and lend his
24 support. Thank you.

25 MR. LIDSKY: Great. Thank you very much, and

1 thank you for coming.

2 Are there any other persons that would like to
3 make a comment?

4 (No response.)

5 MR. LIDSKY: Ron, did you have any additional
6 comments you'd like to make?

7 MR. MILBERG: No. I just appreciate all the
8 nurserymen, in particular, coming out. I know this is a
9 busy time of year, and I appreciate you being here.

10 MR. LIDSKY: I'd like to echo Ron's thoughts, and
11 we do appreciate you taking the time to come out today, and
12 we do appreciate the strong and unequivocal messages that
13 have been entered into the record. That's very helpful.

14 We've received a lot of useful information.

15 So if there are no other persons that would like
16 to speak, we'll adjourn today's meeting. Again, thank you.

17 (Whereupon, at 10:43 a.m., the meeting was
18 concluded.)

19 //

20 //

21 //

22 //

23 //

24 //

25 //

1 REPORTER'S CERTIFICATE

2

3 IN RE: Public Meeting: Imported Fire Ants

4 DATE: March 28, 2000

5 LOCATION: Austin, Texas

6

7 I hereby certify that the proceedings and
8 evidence are contained fully and accurately on the tapes
9 and notes reported by me at the hearing in the above case
10 before the United States Department of Agriculture.

11

12

13 Date: 4/12/2000

14

15

16

17

18 Official Reporter

19 Heritage Reporting Corporation

20 1220 L Street, N.W.
21 Washington, D.C. 20005
22
23
24
25